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UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

No. 2:24-cr-00091-ODW

13 Plaintiff,

14 v.

15 ALEXANDER SMIRNOV,

16 Defendant.

[PROPOSED] ORDER GRANTING
GOVERNMENT'S MOTION FOR A
PROTECTIVE ORDER PURSUANT TO
SECTION 4 OF THE CLASSIFIED
INFORMATION PROCEDURES ACT AND
FEDERAL RULE OF CRIMINAL PROCEDURE
16(d) (1)

18 **ORDER**

19 The Court, having carefully considered the Government's *Ex*
20 *Parte, In Camera*, Under Seal Motion and Memorandum of Law for a
21 Protective Order Pursuant to Section 4 of the Classified Information
22 Procedures Act and Federal Rule of Criminal Procedure 16(d) (1), and
23 the exhibited filed therewith, hereby **GRANTS** the Government's Motion
24 in its entirety.

25 The Court finds that the Government's Motion was properly filed
26 *ex parte, in camera* for this Court's review, pursuant to Section 4 of
27 the Classified Information Procedures Act ("CIPA"). See *United*
28 *States v. Klimavicius-Villora*, 144 F.3d 1249, 1261 (9th Cir. 1998).

1 The Court has conducted an *ex parte*, *in camera* review of the
2 Government's classified Motion and the supporting classified
3 materials.

4 On the basis of the Court's review of the arguments set forth in
5 the Government's classified Motion and Memorandum of Law, and the
6 supporting classified materials, the Court finds that the classified
7 information referenced in the Government's Motion and Memorandum of
8 Law implicates the state-secrets privilege because the information is
9 properly classified and its disclosure reasonably could be expected
10 to cause harm to the national security of the United States.

11 In reviewing the Government's request for relief, the Court has
12 applied the Ninth Circuit's precedents applying CIPA, including
13 *United States v. Alahmedalabdaloklah*, 94 F.4th 782 (9th Cir. 2024),
14 *United States v. Sedaghaty*, 728 F.3d 885 (9th Cir. 2003), and
15 *Klimavicius-Viloria*, 144 F.3d 1249 (9th Cir. 1998). Applying those
16 precedents, including the "relevant and helpful" standard governing
17 the disclosure of classified information, the Court hereby **ORDERS**
18 that the Government may proceed in discovery as follows:

19 (1) Provide substitutions or summaries for certain, identified
20 classified information pursuant to CIPA Section 4;
21 (2) Make particular redactions to identified Federal Bureau of
22 Investigation ("FBI") documents to be produced in unclassified
23 discovery (pursuant to CIPA Section 4 and Fed. R. Crim. P. 16(d)(1));
24 and

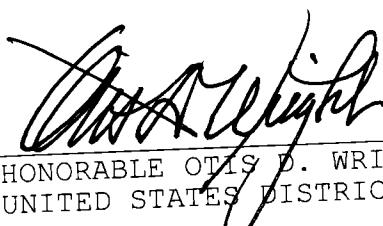
25 (3) "Delete" from discovery certain categories of classified
26 material—material that is either not discoverable, not relevant and
27 helpful to the defense, or is otherwise duplicative or cumulative of
28 material being produced to the defense in unclassified discovery

1 (pursuant to CIPA Section 4).

2 IT IS FURTHER **ORDERED** that the entire text of the Government's
3 motion, memorandum of law, and accompanying documents and this Order
4 shall not be disclosed to the defense, and shall be sealed and
5 maintained in a facility appropriate for the storage of such
6 classified information by the Classified Information Security Officer
7 as the designee of the clerk of the Court, in accordance with
8 established security procedures, for any future review, until further
9 order of this Court.

10 IT IS SO ORDERED.

11 07-17-2024
12 DATE


13 HONORABLE OTIS D. WRIGHT II
14 UNITED STATES DISTRICT JUDGE